

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

3:14-cv-722-RJC

JOHN C. HORNING,

Plaintiff,

vs.

**CAROLYN W. COLVIN,
Commissioner of Social Security,**

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion to Proceed In Forma Pauperis. (Doc. No. 2).

In this matter, Plaintiff is seeking review of a final determination of the Commissioner of Social Security, holding that he is not entitled to a period of disability and disability benefits under Title II and Title XVI of the Social Security Act. (Doc. No. 1). The Court has considered Plaintiff's affidavit, which shows a monthly income of \$0.00. (Doc. No. 2 at 2). Plaintiff also reports monthly expenses of \$0.00. See (Id. at 5). Plaintiff reports no money in cash or in any financial accounts. (Id. at 3). In explaining why he cannot pay the costs of these proceedings, Plaintiff states, "Have no income. I cannot pay the filing fee because of my disability I am unable to work. With the help of a friend who provides me with food, shelter and help with medical expenses." (Id. at 5).

The Court cannot determine from Plaintiff's current financial affidavit whether he is entitled to proceed in forma pauperis. That is, Plaintiff reports monthly expenses of only \$0.00, including no expenses for necessities of life such as food. It is inconceivable that Plaintiff has no expenses for items such as food. Indeed, Plaintiff indicates that he does have expenses,

including food and medical expenses, but he states that a friend pays for them. Although Plaintiff's friend reportedly pays for his expenses, Plaintiff must still provide to the Court information regarding his monthly expenses. Therefore, the Court will order Plaintiff to resubmit his financial affidavit, providing more detail regarding his monthly expenses.

IT IS, THEREFORE, ORDERED that, within ten days of this Order, Plaintiff shall, with assistance from counsel if necessary, resubmit his financial application providing more detail with regard to his monthly expenses.

Signed: March 3, 2015

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

